

Application No. 09/862,905
Response to 5 November 2004 Final Office Action

REMARKS

By this Amendment, the specification is amended, claims 51 and 52 are amended.

As amended, claim 51 now recites (deleted subject matter enclosed in brackets and inserted subject matter in italics).

51. (Currently Amended) The ventilator of claim 49, in which said pluralities of first [layer] *panel* apertures are generally aligned with a corresponding one of said second [layer] *panel* apertures.

52. (Currently Amended) The ventilator of claim 51, in which the first and second [layers] *panels* are longitudinally interconnected.

Claims 51 and 52 are amended to recite first and second "panel apertures," in place of first and second "layer apertures," the former limitation having antecedent basis in claim 49. Applicants submit that providing antecedent basis does not narrow the scope of claim 51.

No new matter is added by the amendments to claim 51.

35 U.S.C. § 112

Claims 16, 17, 21-34, 51, 52, and 59 are rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this Application, claims 51 and 52 amended as described above and now recite first and second "panel apertures," which has antecedent basis in claim 49. Claim 59 recites "first and second panels," and is not amended. Because the foregoing limitation has antecedent basis in claim 49, reconsideration and withdrawal of the rejection are respectfully requested. Because specific instances of being indefinite are not recited in the other rejected claims and because the other

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rejected claims do not depend from one of claims 49, 51, 52, or 59, the rejection is deemed moot with respect thereto.

Conclusion

In view of the foregoing, it is submitted that this Application is submitted to be in better form for consideration on appeal and entry is respectfully requested. 37 C.F.R. § 1.116 (b); M.P.E.P. §714.12. To this end, the Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


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